

AUG 19 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN (JACK) ANGELLO,

Plaintiff

v.

NORTHERN MARIANAS
COLLEGE,

Defendant

Civil Action No. 03-0014

ORDER EXCLUDING
ANY EVIDENCE RECEIVED AS
A RESULT OF REQUEST FOR
RECORDS FROM DEFENDANT

Defendant has moved for sanctions against plaintiff for now seeking to obtain through Commonwealth law certain documents he failed to obtain prior to expiration of the discovery deadlines set in the court's case management scheduling order. To conserve the resources of the court and the parties, the court will decide the motion without the necessity of briefing by plaintiff or oral argument.

1 By order dated July 25, 2005, the court denied plaintiff's untimely motion to
2 compel the production of documents from defendant. On or about August 1, 2005,
3 plaintiff, personally, hand-delivered to the President of defendant Northern Marianas
4 College a request for documents pursuant to the Commonwealth's "Open
5 Government" law, 1 N.Mar.I. Code § 9917. Some of the documents requested were
6 those plaintiff had sought in his motion to compel.
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9 Plaintiff has a legal right to seek such documents and Commonwealth law
10 provides him a remedy if he is entitled to them and Northern Marianas College
11 wrongfully refuses to provide them. This court need not insert itself into that
12 process or in any resultant legal action; that is the province of the Commonwealth
13 Superior Court.
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15 However, when a party invokes the jurisdiction and remedial powers of this
16 court, that party is bound to honor the court's rules and orders. Accordingly, to
17 enforce both the letter and the spirit of the court's rules and orders,
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19 IT IS ORDERED that plaintiff may not use in any fashion during trial any of
20 the documents which were the subject of his motion to compel and which are the
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1 subject of his Commonwealth Open Government request.¹

2 DATED this 19th day of August, 2005.

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7 DAVID A. WISEMAN
8 Judge
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The court notes that such documents may not be available to plaintiff in any case.
See 1 N.Mar.L. Code § 9918(a)(8).